

**DRAFT**

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING  
JUNE 3, 2021**

**Via Telephone Conference Pursuant to Executive Order 20-09**

**Access the meeting online or via telephone at:**

[https://IndianaEnhanced.Webex.com/join/PLAWebex  
1.240.454.0887, Access Code 610915440](https://IndianaEnhanced.Webex.com/join/PLAWebex1.240.454.0887)

**CALL TO ORDER**

The meeting was called to order at 9:00 a.m. by Frank Downing, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

**BOARD MEMBERS PRESENT:**

Frank Downing, Chairman  
Kathleen Matuszak, Vice Chairperson  
Thomas Sproles  
Christopher Cooke

**STATE OFFICIALS PRESENT:**

Tracy Hicks, Board Director  
Colette Ritter, Assistant Board Director  
Donald Hannah, Deputy Attorney General

**ADOPTION OF THE AGENDA**

A motion was made and seconded to adopt the agenda.

Matuszak /Sproles  
4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke  
Motion carried.

**ADOPTION OF THE MINUTES FROM THE APRIL 1, 2021 MEETING OF THE BOARD**

A motion was made and seconded to adopt the minutes of the April 1, 2021 meeting.

Cooke/ Matuszak  
4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke  
Motion carried.

**PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR REINSTATEMENT OF FUNERAL DIRECTOR LICENSE**

1. Jason Costin, FD29800100

A motion was made and seconded to deny the application for reinstatement for failure to appear before the board and failure to provide proof the criminal record has been expunged and proof of eight hours of law continuing education.

Sproles/Matuszak  
4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke  
Motion carried.

## **PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR FUNERAL HOME LICENSE**

1. Jeffrey Stratton for Singleton Community Mortuary and Memorial Center

A motion was made to deny the application due to the ongoing investigation of this funeral home location owned by Anthony Edwards by the Office of the Attorney General and the fact that Mr. Stratton was employed by Mr. Edwards in the past to assist him with the financial matters of the funeral home.

Sproles/

Motion failed for lack of a second after discussion and legal advice regarding the statutory authority indicating reasons available for denial.

Motion failed.

A motion was made and seconded to approve the application

Matuszak/ Cooke

3/1/0

Voting in Favor: Frank Downing, Kathleen Matuszak, and Christopher Cooke.

Voting Against: Thomas Sproles

Motion carried.

## **ADMINISTRATIVE HEARINGS**

1. Administrative Summary Suspension Extension Hearing in the matter of Singleton Community Mortuary and Memorial Center, FH11900012, 2021 SBFCS 0002

A motion was made and seconded to extend the summary suspension until August 5, 2021 to provide time for completion of the financial audit of the preneed funds.

Sproles/Cooke

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

2. Administrative Summary Suspension Extension Hearing in the matter of Mark A. Ferree, FD20600082, 2019 SBFCS 0011

A motion was made and seconded to extend the summary suspension for an additional ninety (90) days.

Matuszak/Sproles

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

3. Administrative Hearing in the matter of Jessen Funeral Home, FH19900057, FB40500016, FB41200011, and Clarence John Jessen, FD29400075, 2018 SBFCS 0006

A motion was made and seconded to continue the hearing to give the Board time to consider the Proposed Settlement filed just before this meeting commenced.

Matuszak/Cooke

3/0/1

Voting in Favor: Frank Downing, Kathleen Matuszak, and Christopher Cooke.

Abstaining: Thomas Sproles

Motion carried.

## **CONSIDERATION OF RESPONDENT'S COMBINED MOTION TO RECONSIDER AND FOR STAY OF EFFECTIVENESS OF FINAL ORDER AND RESPONDENT'S MOTION FOR REHEARING OF FINAL ORDER**

1. Casmir Pulaski, FD08900012, 2020 SBFCS 0015

A motion was made and seconded to deny the Respondent's Combined Motion to Reconsider and for Stay of Effectiveness of Final Order.

Sproles/ Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke  
Motion carried.

A motion was made and seconded to table the Respondent's Motion for Rehearing of Final Order to allow the State time to respond to the Motion.

Cooke/ Sproles

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke  
Motion carried.

## **CONSIDERATION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

1. James D. Weesner, Jr., FD01019919, 2017 SBFCS 0008

A motion was made and seconded to accept the Proposed Findings of Face, Conclusions of Law and Order.

Sproles/ Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke  
Motion carried.

2. Forest Lawn Memorial Gardens, Inc., CM41000006, CA21000051, 2020 SBFCS 0016

A motion was made and seconded to accept the Proposed Findings of Face, Conclusions of Law and Order.

Sproles/Cooke

3/0/1

Voting in Favor: Frank Downing, Thomas Sproles, and Christopher Cooke.  
Abstaining: Kathleen Matuszak  
Motion carried.

3. M. Trevor Lytle, FD29500024, 2020 SBFCS 0014

A motion was made and seconded to accept the Proposed Findings of Face, Conclusions of Law and Order.

Cooke/ Matuszak

3/0/1

Voting in Favor: Frank Downing, Kathleen Matuszak, and Christopher Cooke.  
Abstaining: Thomas Sproles  
Motion carried.

## **VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND**

1. Kenneth Holloway for Kenneth Holloway (Sr.)

Re: Winklepleck Weesner Funeral Home, FH83000655 (Closed)

A motion was made and seconded to approve restitution in the amount of \$3343.75 plus interest not to exceed the cost of the at-need contract.

Matuszak /Cooke

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke  
Motion carried.

2. Carol Turner for Betty Jean Turner  
Re: Long Funeral Home, FH83001732 (Closed)

A motion was made and seconded to approve restitution in the amount of \$750.00 and that she may reapply with proper documentation if there were additional expenses.

Sproles /Matuszak  
4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke  
Motion carried.

3. **Taylor & Cowan Funeral Home for Dixie Jaqua**  
Re: Porter Funeral Home, FH83006732 (Closed)

A motion was made and seconded to approve restitution in the amount of \$1180.00 plus interest not to exceed the cost of the at-need contract.

Sproles /Cooke  
4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke  
Motion carried.

## **REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES**

A motion was made and seconded to approve the following CE report.

Sproles/Cooke  
4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke  
Motion carried.

### **Courses For Approval**

#### **Funeral Directors Life Insurance Company – CE21100035**

1. Crematory Law: Rights, Disposition, Forms and Immunity - Ongoing – 1 CEU Law
2. Preneed Law: Requirements, Permissions and Protectors – Ongoing – 1 CEU Law

#### **Indiana State Coroners Association & Indiana State Coroners Training Board – CE10800754**

1. Dr. David Avolt In-Service Training – 6.10.21 – 6.12.21 – 21 CEU

#### **International Cemetery, Cremation, & Funeral Association – CE10800864**

1. Virtual Annual Convention and Expo – 5.17.21 – 5.21.21 – 15 CEU
2. 2021 ICCFA University – 7.23 – 24 CEU & 7.28.2021 – 25 CEU

#### **WebCE, Inc – CE10800715**

1. Funeral operations during a pandemic – ongoing – 3 CEU

#### **Kates-Boylston Publication – CE21100028**

1. Technology Think Tank – 9.9.2021 – 5 CEU
2. Cremation Innovators summer – 9.10.2021 – 5 CEU

#### **Flanner Buchanan – CE21800040**

1. Dementia and Alzheimer's Effectgive communications – 5.4.2021 – 1 CEU
2. Dementia and Alzheimer's Effective Communications – ongoing – 1 CEU
3. Medicaid - and how it applies to Funeral Industry Virtual training - 8.17.2021 – 1 CEU

**Wilbert Funeral Services, Inc- CE21500018**

1. Video & Photo: Tell Your Story the Right Way – 7.1.21 – 1 CEU
2. Cremation Liability – 7.15.2021 – 1 CEU
3. When a Child Dies – 7.29.2021 – 1. CEU
4. Renal Failure: A Silent Danger & an Embalming Reminder 8.12.2021 – 1 CEU

**Dodge Institute for Advanced Mortuary Science – CE108000694**

1. 2021 Dodge Technical Seminar – 11.11 – 11.12.2021 – 9 CEU's Law

**ADJOURNMENT**

The meeting was adjourned at 11:15 a.m..

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Chairman

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Date